

Draft Sugarloaf Treasured Landscape Management Plan



Planning Commission Workshop #2
October 20, 2021

Chapter 4 Land Use

- Planning Area
- Land Use Tools
- Land Use in the Sugarloaf Planning Area
- Septic Systems, Groundwater, Land Use
- Sole Source Aquifer
- Livable Frederick Master Plan, Thematic Plan Map, and Comp. Plan Map
- Zoning
- Land Subdivision
- Rural Heritage Overlay Zoning District
- Urbana Community Growth Area
- Land Conservation

1) Comp. Plan, Zoning – new FcPc map & proposals from Draft Plan

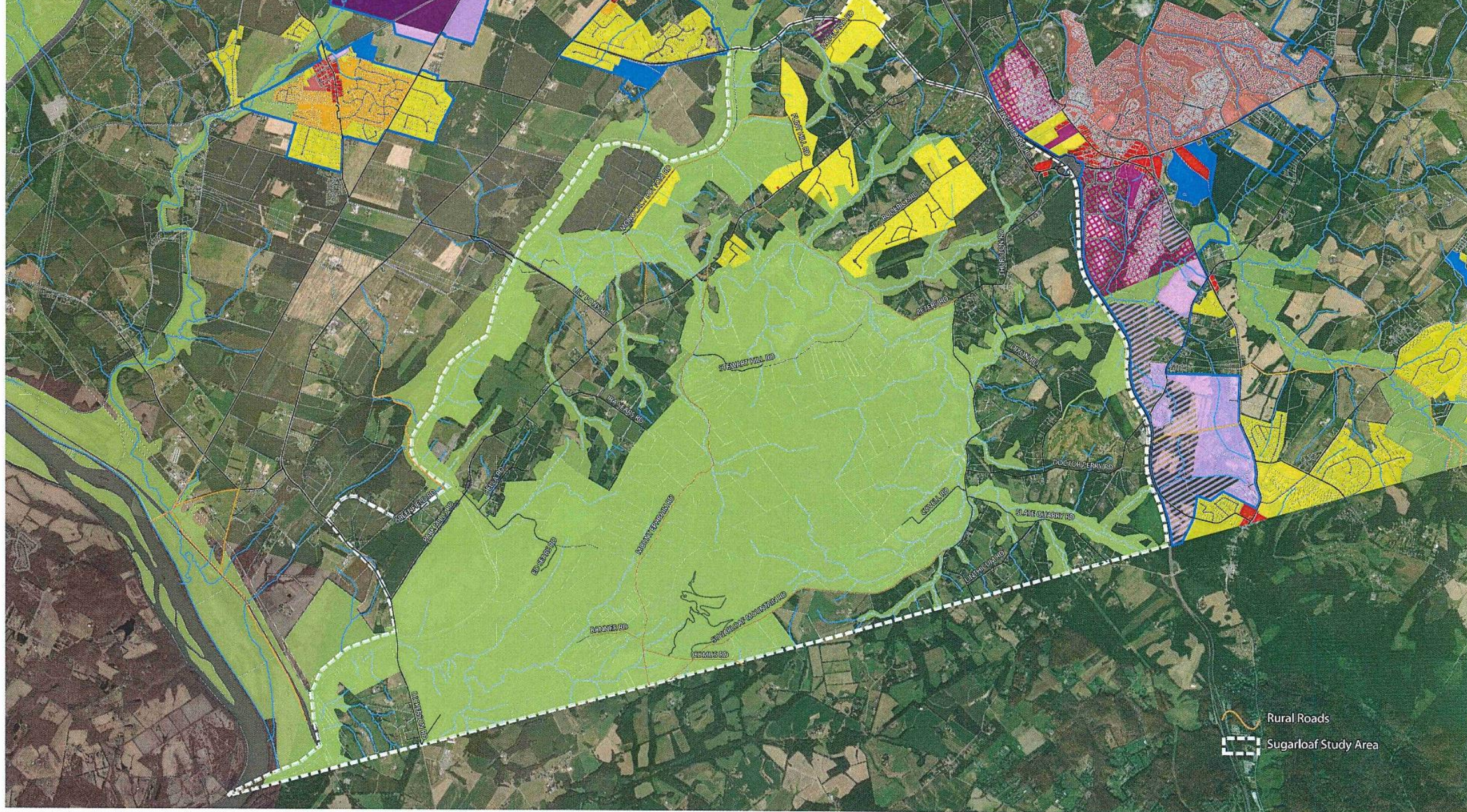
2) Rural Legacy Expansion

3) ‘Treasured Landscape – Sugarloaf’ Comp. Plan designation & proposed ‘Private Park’ use

4) Sugarloaf Rural Heritage Overlay Zoning District

- LFMP guidance & review of zoning districts
- Purpose/Intent
- Goals
- Components
- Location

5) Policies and Initiatives



Zoning Districts - Proposed Zoning

A – Agricultural	R3 – Low Density Residential	R16 – High Density Residential	GI – General Industrial	MXD – Mixed Use Development	Right of Way
RC – Resource Conservation	R5 – Middle Density Residential	PUD – Planned Unit Development	LI – Limited Industrial	MM – Mineral Mining	Community Growth Area
OSR – Open Space Recreation	R8 – Middle Density Residential	VC – Village Center	ORI – Office/Research/Industrial	Ie – Institutional	
R1 – Low Density Residential	R12 – High Density Residential	GC – General Commercial	MX – Mixed Use	MUN – Municipality	



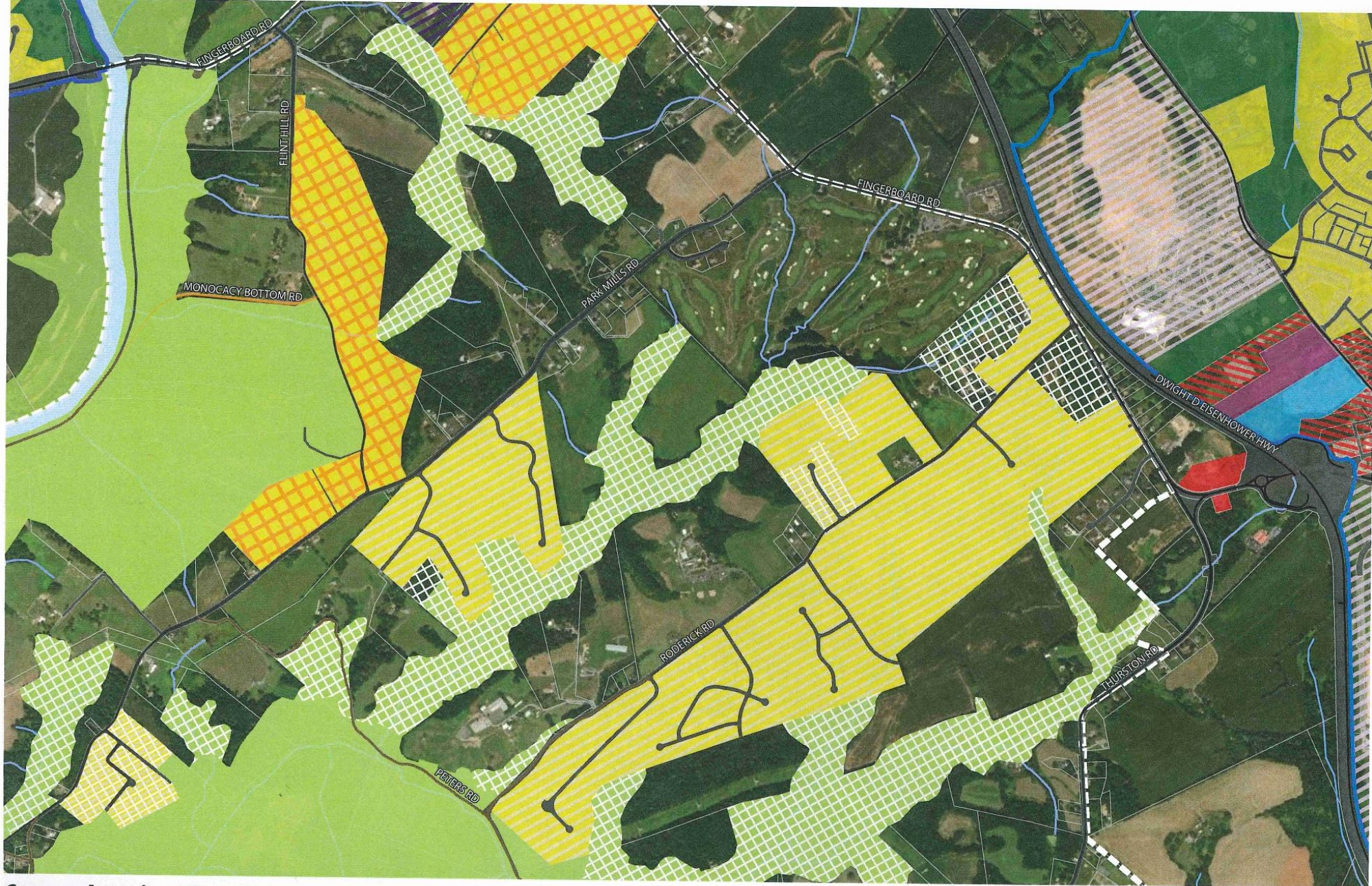


Comprehensive Plan - Proposed Land Use Plan Designation Changes 1




Agricultural / Rural
 Rural Residential
 Natural Resource

See "Treasured Landscape - Sugarloaf" map for additional Land Use Plan Designation changes



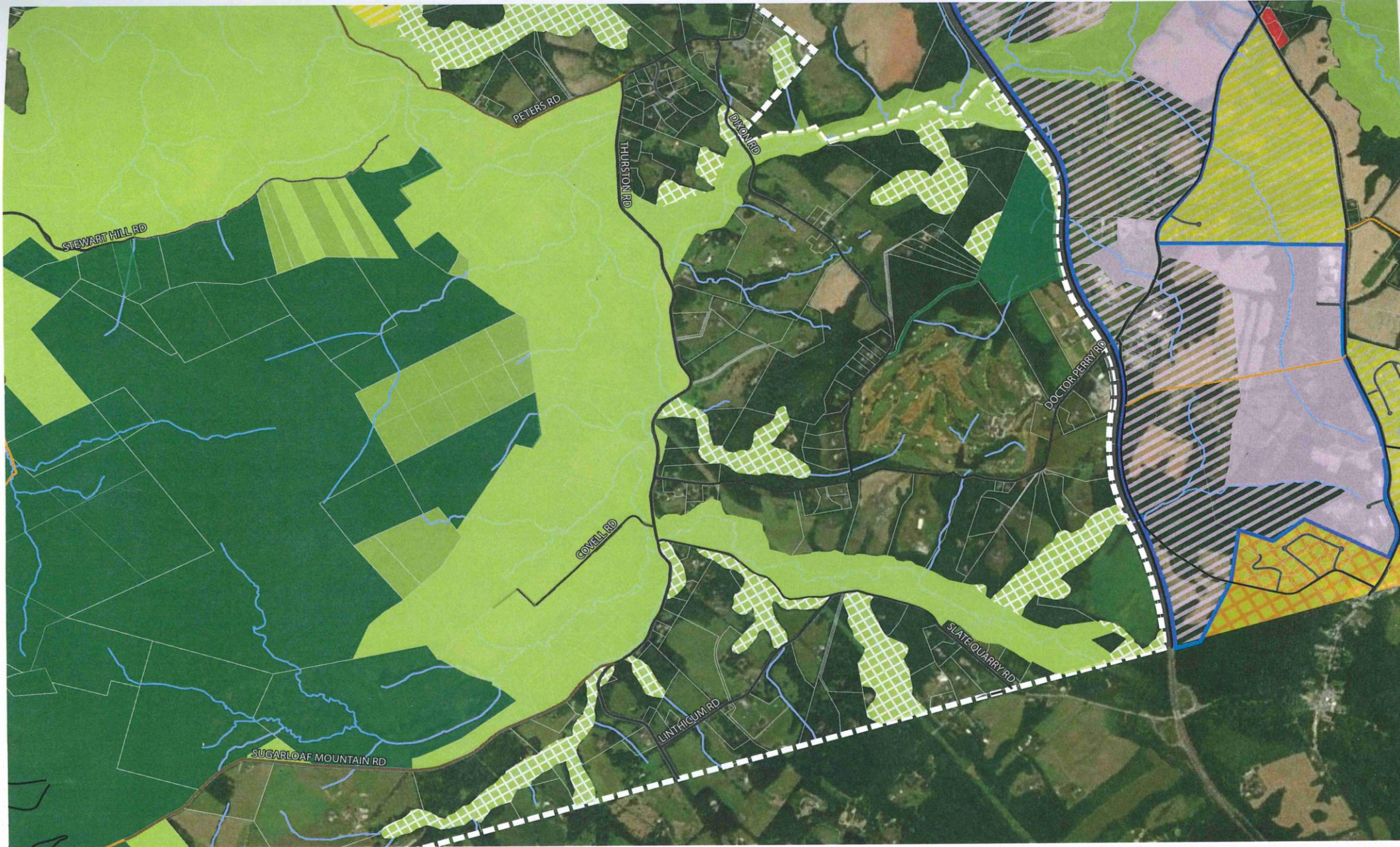


Comprehensive Plan - Proposed Land Use Plan Designation Changes **2**

 Agricultural / Rural
  Rural Residential
  Natural Resource

See "Treasured Landscape - Sugarloaf" map for additional Land Use Plan Designation changes





Comprehensive Plan - Proposed Land Use Plan Designation Changes **3**

Agricultural / Rural
 Rural Residential
 Natural Resource

See "Treasured Landscape - Sugarloaf" map for additional Land Use Plan Designation changes



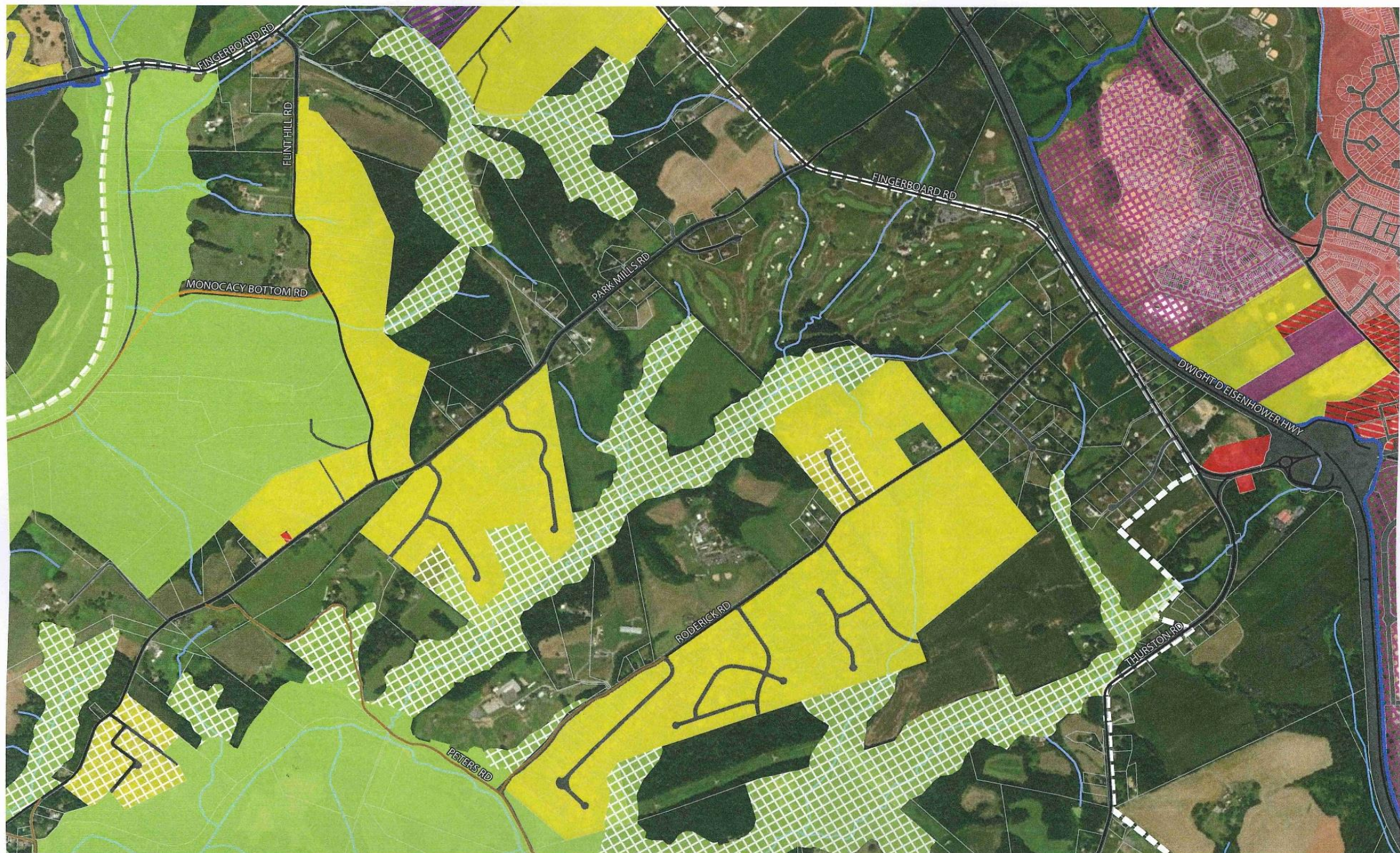
Map 4-9



Zoning Districts - Proposed Zoning Changes 1

RC – Resource Conservation R1 – Residential A – Agriculture





Zoning Districts - Proposed Zoning Changes **2**

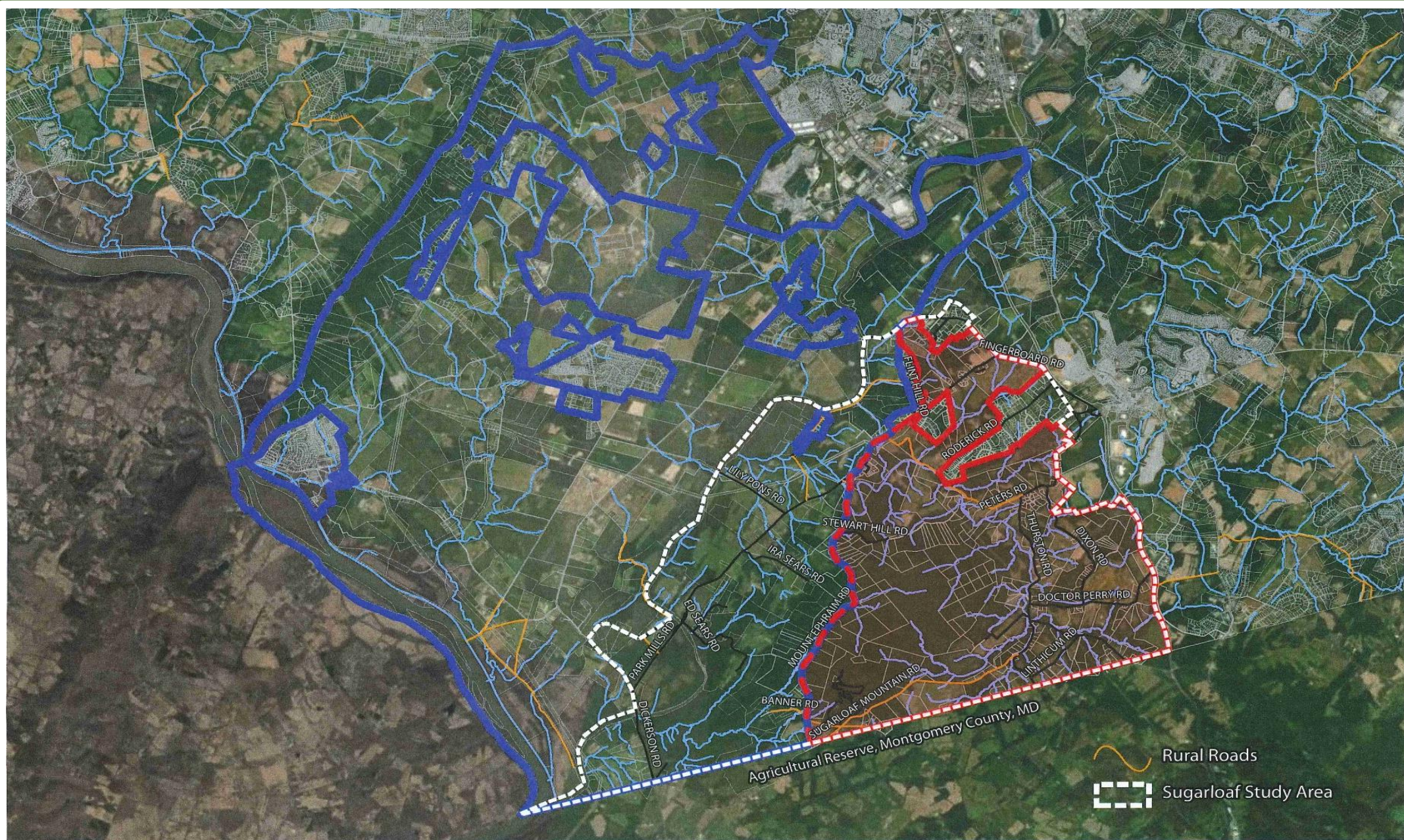
RC – Resource Conservation
 R1 – Residential
 A – Agriculture



Zoning Districts - Proposed Zoning Changes 3

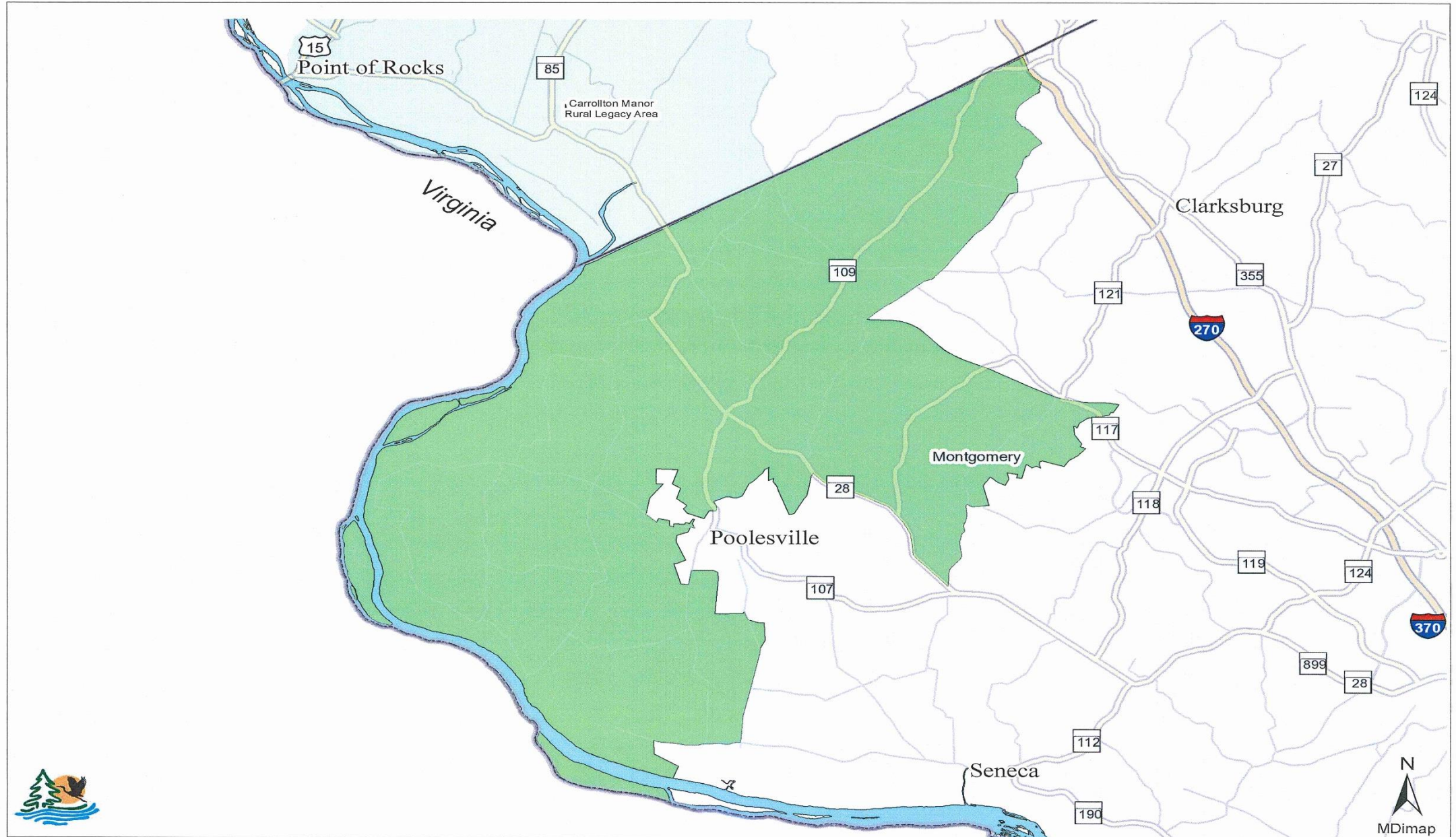
 RC – Resource Conservation  R1 – Residential

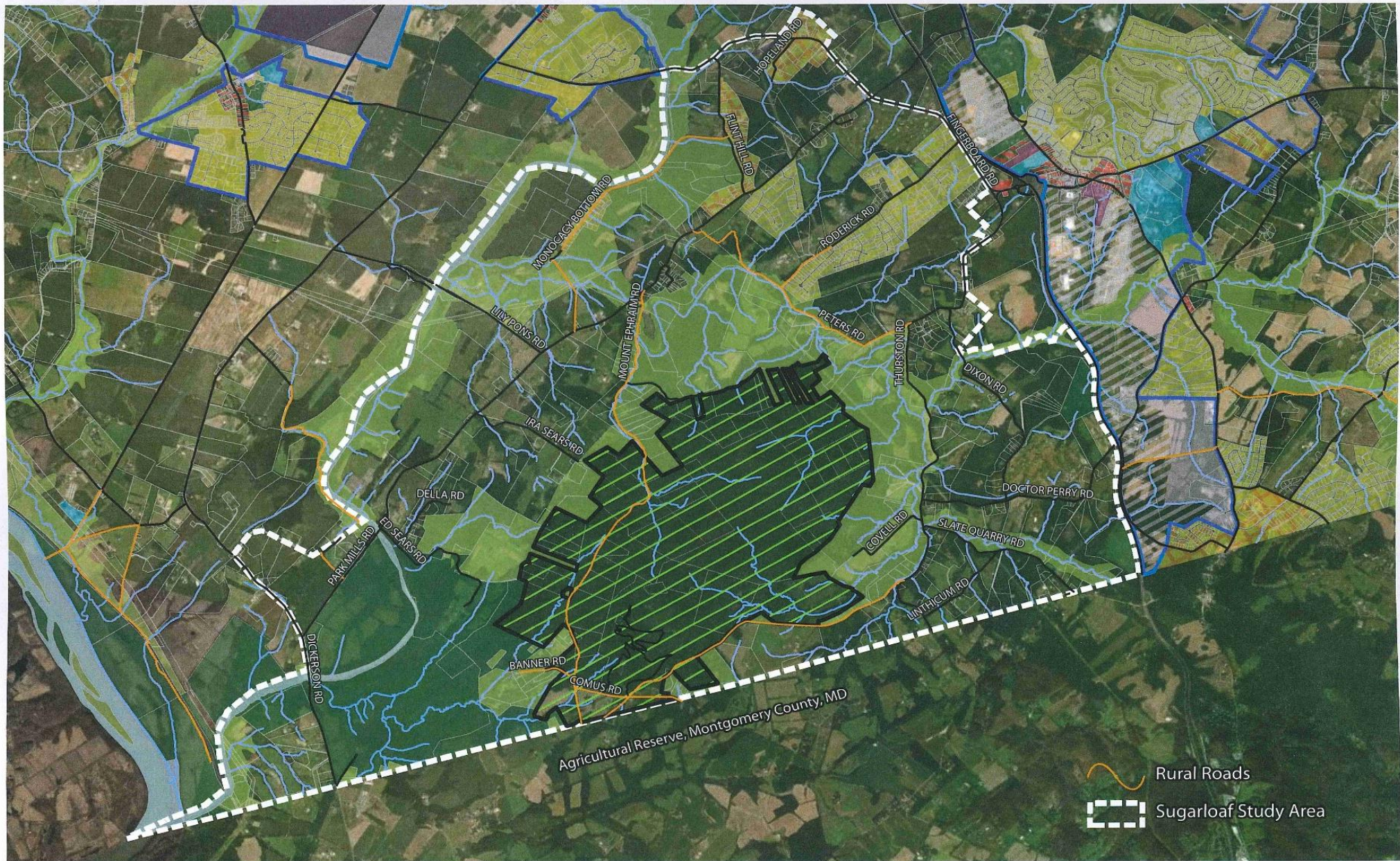




Carrollton Manor Rural Legacy Area - Proposed Addition

Mid-Maryland Montgomery County Rural Legacy Area





Land Use Plan Designations with Proposed "Treasured Landscape - Sugarloaf"



Map 4-3

Article XI: Definitions

1-19-11.100 Definitions

Private Park

A parcel or contiguous parcels consisting of 100 or more acres owned by a non-governmental entity or organization, managed primarily for environmental conservation, and maintained in a natural landscape condition that may be open and accessible to the public and where admission fees may be charged. A private park may include natural or paved trails, scenic viewing areas, parking facilities, forestry activities, tot lots, a caretaker residence, and private offices for the operation of the private park.

1-19-8.403 Permitted Uses

Private Park

The following provisions shall apply to Private Parks in the Resource Conservation District

- 1) The minimum lot area, lot width, yard setbacks, and heights shall be as provided for in 1-19-6.100.
- 1) The subject property must have road frontage and access on a minimum 20-foot-wide paved public road.
- 1) The requirements of 1-19-7.200 and, if applicable, 1-19-7.700 (Sugarloaf Rural Heritage Overlay District) of this Code must be met.
- 1) The following accessory uses to a private park are permitted with site development plan approval after establishment of a private park: a visitors' center, gift shop, walk-up concession stands, pavilions or open structures for gatherings.
- 1) The following uses and facilities are not permitted in conjunction with or accessory to a Private Park: recreational vehicle campgrounds, golf courses or golf driving ranges, swimming pools, fairgrounds, zoos, and hotels, motels, or lodges.

1-19-5.310 Use Table

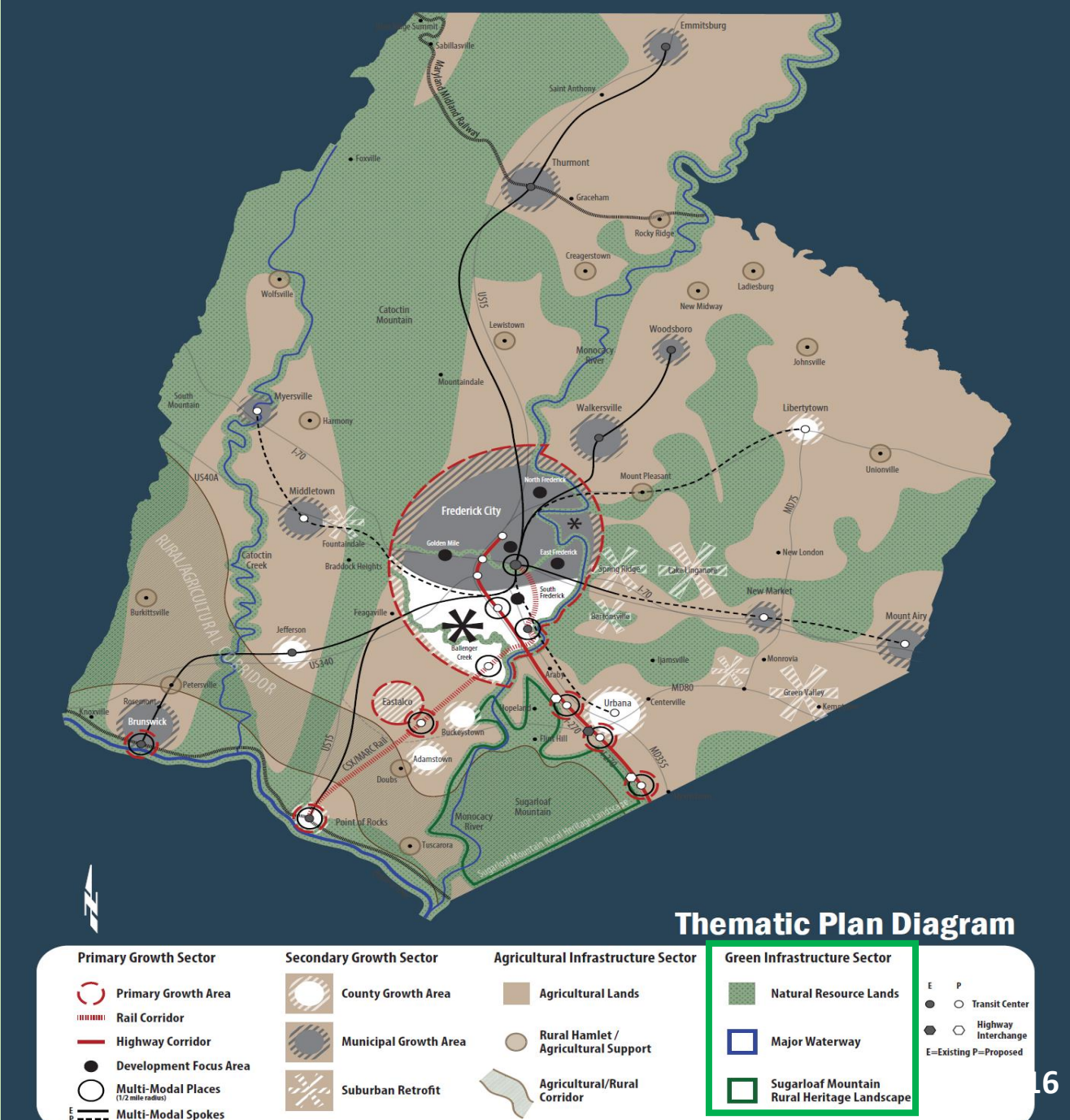
Zoning Districts														
Uses	RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
Open Space and Institutional														
Airports, public ****													PS	PS
Cemetery/memorial gardens		PS	PS											
Fairground											PS		PS	PS
Shooting range/club - trap, skeet, rifle, archery	E	E											PS	PS
Aircraft landing and storage areas, private		E											E	E
Aircraft landing and storage areas, private - commercial use		E											E	E
Tent campground	E	E												
Rustic retreat/camp/outdoor club	E	E												
<u>PRIVATE PARK</u>	<u>PS</u>													

1-19-6.100 Design Requirements for Specific Districts

Use Classification	Minimum Lot Area	Minimum Lot Area per Unit	Lot Width	Front Yard	Side Yard	Rear Yard	Height
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Resource Conservation District RC

Natural Resources	10 acres		300	50	50	50	30'
Residential							
Single family	10 acres	10 acres	300	50	50	50	30'
Mobile Home	10 acres	10 acres	300	50	50	50	30'
Animal Care & Services	10 acres		300	50	50	50	30'
Open Space Uses	10 acres		300	50	50	50	30'
Institutional	10 acres		300	50	50	50	30'
Governmental & Public Utility	10 acres		300	50	50	50	30'
Nongovernmental Utility	10 acres		300	50	50	50	30'
<u>PRIVATE PARK</u>	<u>100 ACRES</u>		<u>300</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>30'</u>



Primary Growth Sector

- Primary Growth Area
- Rail Corridor
- Highway Corridor
- Development Focus Area
- Multi-Modal Places (1/2 mile radius)
- Multi-Modal Spokes

Secondary Growth Sector

- County Growth Area
- Municipal Growth Area
- Suburban Retrofit

Agricultural Infrastructure Sector

- Agricultural Lands
- Rural Hamlet / Agricultural Support
- Agricultural/Rural Corridor

Green Infrastructure Sector

- Natural Resource Lands
- Major Waterway
- Sugarloaf Mountain Rural Heritage Landscape

- E P
- Transit Center
- Highway Interchange
- E=Existing P=Proposed

Thematic Plan Diagram



The Livable Frederick Master Plan

Frederick County, Maryland

Adopted September 3, 2019

Wellhead Protection Ordinance: In 2007 the county adopted wellhead protection legislation that regulate hazardous substance storage tanks. Any tank within certain distances of community groundwater supply wells must be above ground with 100% catchment basins or double-walled containment and spill protection alarms. The wellhead protection regulations also prohibit certain land uses and activities within wellhead protection areas.

Forest Resource Ordinance: The county's Forest Resource Ordinance (FRO) was adopted in 1992 and is applied through the development review process to subdivisions and site plans. The FRO allows for on-site or off-site afforestation, purchase of forest banking credits, or a fee-in-lieu payment into the forest fund. The highest priority for meeting FRO requirements is the afforestation of stream valleys within the particular development or at least within the same watershed. Further, FRO afforestation and forest 'banking' priority areas are stream valleys on agriculturally-zoned land.

Resource Conservation Zoning: The Resource Conservation (RC) Zoning District is applied throughout the county, with the largest portion comprised of the forestlands on and around Catocin Mountain, South Mountain and Sugarloaf Mountain. The RC Zone limits new residential subdivision lots to 10 acres in size and prohibits development on slopes of 25% or more. The RC zone does not permit the construction of new public streets as part of residential subdivisions. Timber harvesting is permitted in all zoning districts with an approved logging permit. The Frederick County Forestry Board must also review and approve proposals for timber harvesting in the Resource Conservation zone to ensure sound forestry best management practices are employed.

Development Review Process: The Maryland Department of Natural Resources has an opportunity to review proposed subdivision and site plan applications to determine the existence of threatened and rare species on a subject site.

Stream Restoration: The National Pollutant Discharge Elimination System Program (also known as the county's stormwater permit) requires water monitoring, watershed assessment, public education, and the restoration of degraded stream corridors. The county's first restoration project was completed in 2007 and involved stream channel rehabilitation and riparian buffer plantings along a portion of Ballenger Creek at the Ballenger Creek Elementary School.

Natural Resource Comprehensive Plan Designation: The Natural Resource land use plan designation is applied in the county to mountain areas with contiguous forests and to stream corridors. Stream corridors include major streams defining the county's 20 subwatersheds. Also included within mountain/forestlands and stream corridors are 100-year floodplain, plant/animal habitats, steep slopes, and wetlands. A purpose of the land use plan designation is to identify and highlight these features relative to growth areas. The plan designation itself is not a regulation, but it does provide the basis for considering the application of Resource Conservation zoning.

Public Ownership: Public ownership of parks and natural resource protection areas provides the greatest degree of protection for any sensitive area feature. There are over 25,000 acres of predominantly forested land under municipal, state, and federal ownership. Municipal ownership is comprised of watershed protection lands primarily in the Catocin Mountains. State lands include Catocin and South Mountains. While forestland is the predominant feature under public ownership, also included within these areas are steep slopes, streams, habitat of threatened and endangered species, and wetlands.

Sugarloaf Mountain Rural Heritage Landscape

The area surrounding, and including, Sugarloaf Mountain is located along Frederick County's southern edge in the largely undeveloped wedge of land between the Interstate 270 corridor and the CSX Rail line (Frederick spur) – continues to maintain its locally iconic status. This valued rural preserve, punctuated by the visual prominence of the mountain's dual peaks, and grounded by the beauty and history in the surrounding fields and forests, is recognized as a special place even in a county that is home to many special places.

The Sugarloaf area has already been demarcated as the Sugarloaf Mountain Historic Survey District which covers approximately 10,500 acres of land including the 3,200 acres which make up the mountain itself and have been preserved by Gordon Strong and his heirs under the Stronghold Trust. Immediately west of the Sugarloaf district is the Carrollton Manor Rural Historic District (9,300 acres), the Washington Run Rural Area (2,715 acres) and, across the Potomac River in Loudoun County, Virginia, the Catocin Rural Historic District, a 25,000-acre National

Register District. In addition, Montgomery County's Agricultural Reserve district – with its tens of thousands of acres of permanently protected farmland is located along the Frederick-Montgomery County line, immediately adjacent to the Sugarloaf area.

Several long-term protective easements have also been established in and around the Sugarloaf area including those held by the Maryland Environmental Trust, the Maryland Department of Natural Resources, the Maryland Agricultural Land Preservation Foundation, the U.S. Government, and Frederick County, through its Installment Purchase Program (IPP).

As a cherished Frederick County locale, the Sugarloaf Mountain area highlights the natural, historical, and cultural features that are closely associated with the rural pace, majestic beauty, and quality of life that are the centerpieces of Our Vision. However, the area remains vulnerable on several fronts:

Land Protection: Much of the acreage in and around the mountain is not protected by long-term zoning laws. While the underlying zoning laws provide some protection from intense residential construction, disruptive possibilities exist to forever alter the area through insensitive, large-lot development of agricultural or environmental resources, or operations and uses available to landowners under the current regulatory regime.

Environmental Disruption: Some land uses available to property owners may still allow for land fragmentation and degrade natural resources and that could greatly diminish the quality of the natural environment. Environmental degradation can include noise pollution, rural road overload, and development of the area.

Viewshed Degradation: Even low-density, low-intensity development could result in the degradation of cherished views and vistas that have been enjoyed by hundreds of thousands of residents for decades.

One approach to the challenge of maintaining the Sugarloaf Mountain region as a truly special place in Frederick County for ourselves and for future generations may involve the establishment of an overlay district – established in the Zoning Ordinance – would be drawn and constructed based on environmental stewardship and the Sugarloaf area residents' vision for this area. This might include: Restrictions on building size or height; Standards or guidelines for building location so as to minimize visibility from prominent locations on or around the mountain; Standards for environmental quality related to livability such as noise, vibration, traffic impacts, or forest removal; Standards for new development to allow for a more traditional pattern based on small crossroads villages and hamlets; Prohibition of certain land uses otherwise available in the Agricultural, Residential, Village Center, and Resource Conservation zoning districts; and Maintaining and protecting the ecological integrity and functionality of the area.

A thorough analysis of the Sugarloaf Mountain area – beginning with the completion of a vision analysis and a natural resources inventory – would set the stage for any discussion regarding the specific guidelines, policies, or regulations.

One approach to the challenge of maintaining the Sugarloaf Mountain region as a truly special place in Frederick County for ourselves and for future generations may involve the establishment of an overlay district. Such a district – established in the Zoning Ordinance – would be drawn and constructed based on environmental stewardship and the Sugarloaf area residents' vision for this area. This might include: Restrictions on building size or height; Standards or guidelines for building location so as to minimize visibility from prominent locations on or around the mountain; Standards for environmental quality related to livability such as noise, vibration, traffic impacts, or forest removal; Standards for new development to allow for a more traditional pattern based on small crossroads villages and hamlets; Prohibition of certain land uses otherwise available in the Agricultural, Residential, Village Center, and Resource Conservation zoning districts; and Maintaining and protecting the ecological integrity and functionality of the area.

Euclidean Zoning Districts (1-19-5.200)

Most contain Supplementary District Regulations/
Performance Standards (1-19-7.100)

Agricultural
Resource Conservation
R-1 Residential
R-3 Residential
R-5 Residential
R-8 Residential
R-12 Residential
R-16 Residential
Village Center
General Commercial
Office/Research/Industrial
Light Industrial
General Industrial
Mixed Use
Institutional (le)

Each District contains a definition, purpose/intent statement, and design requirements (setbacks, lot area, etc)

-Individual, piece-meal requests
(‘change or mistake’ rule) OR

applied during a Plan update that
includes a comprehensive rezoning

Floating Zoning Districts

Planned Unit Development (PUD)
Mixed Use Development (MXD)
Mobile Home Park
Open Space/Recreation
Mineral Mining
Solar Facility, Commercial
Solid Waste District
Institutional

Each District contains a definition, purpose/intent statement, and application/approval criteria

-Individual, piece-meal requests (no comprehensive application like Euclidean zones)

These districts may be applied or 'float' on land with a specific, underlying Comp. Plan designation or, in some cases, can be applied only to land with a specific, underlying zoning classification.

For example, the PUD floating zone can only be applied to land designated LDR, MDR, HDR.

Overlay Zoning Districts

Floodplain

-Specific regulations in Zoning Ordinance

Wellhead Protection Areas

Floodplain District (1-19-9.100)

Village Center Overlay Standards

Wellhead Protection Areas (1-6-50)[Wellhead Protection Code]

Village Center Overlay Standards (1-19-7.500)

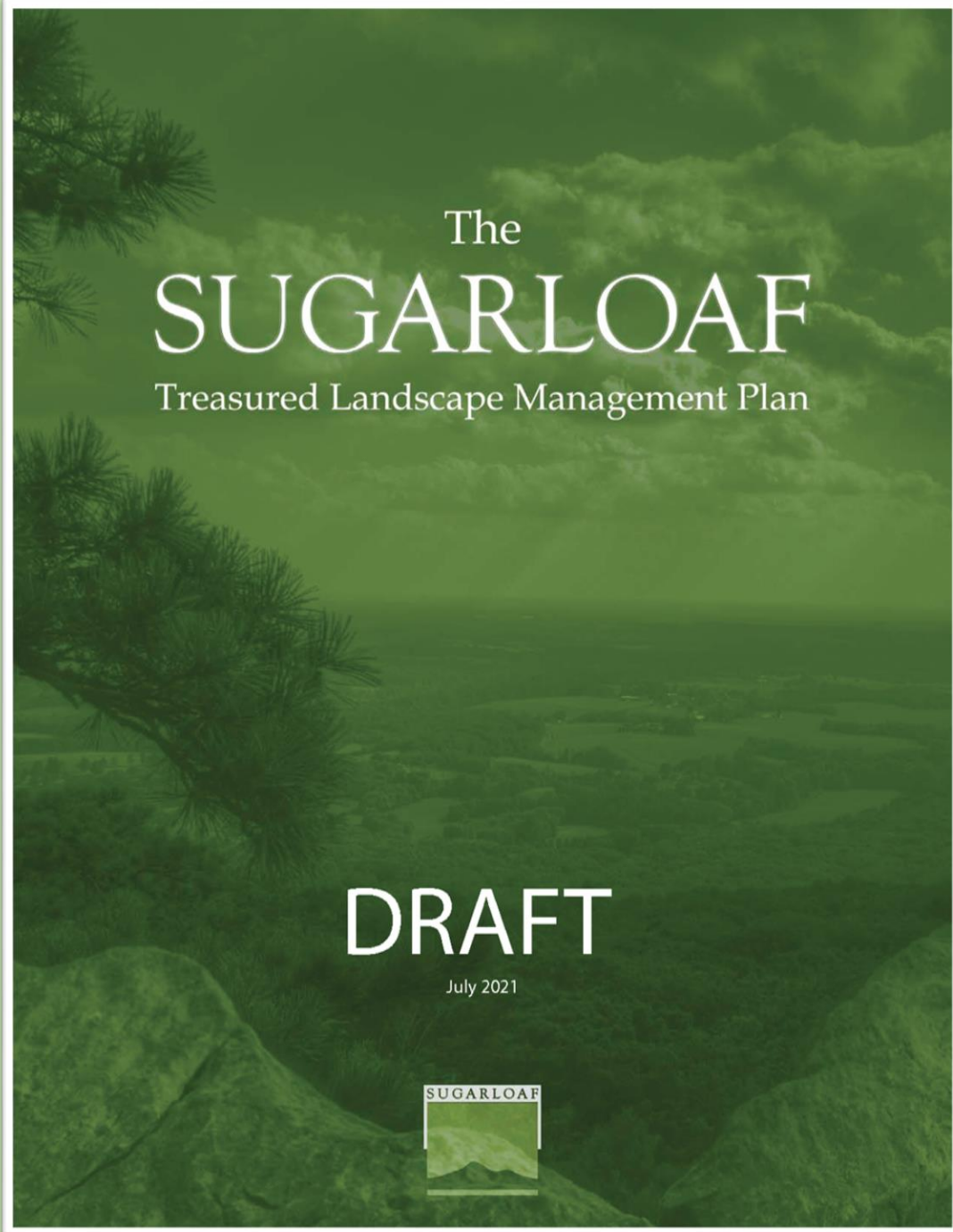
Danger Reach Areas

Danger Reach Areas (1-19-9.200)

(Lake Merle Dam-Lake Langanore)

*Sugarloaf Rural Heritage
Overlay Zoning District
(proposed)*

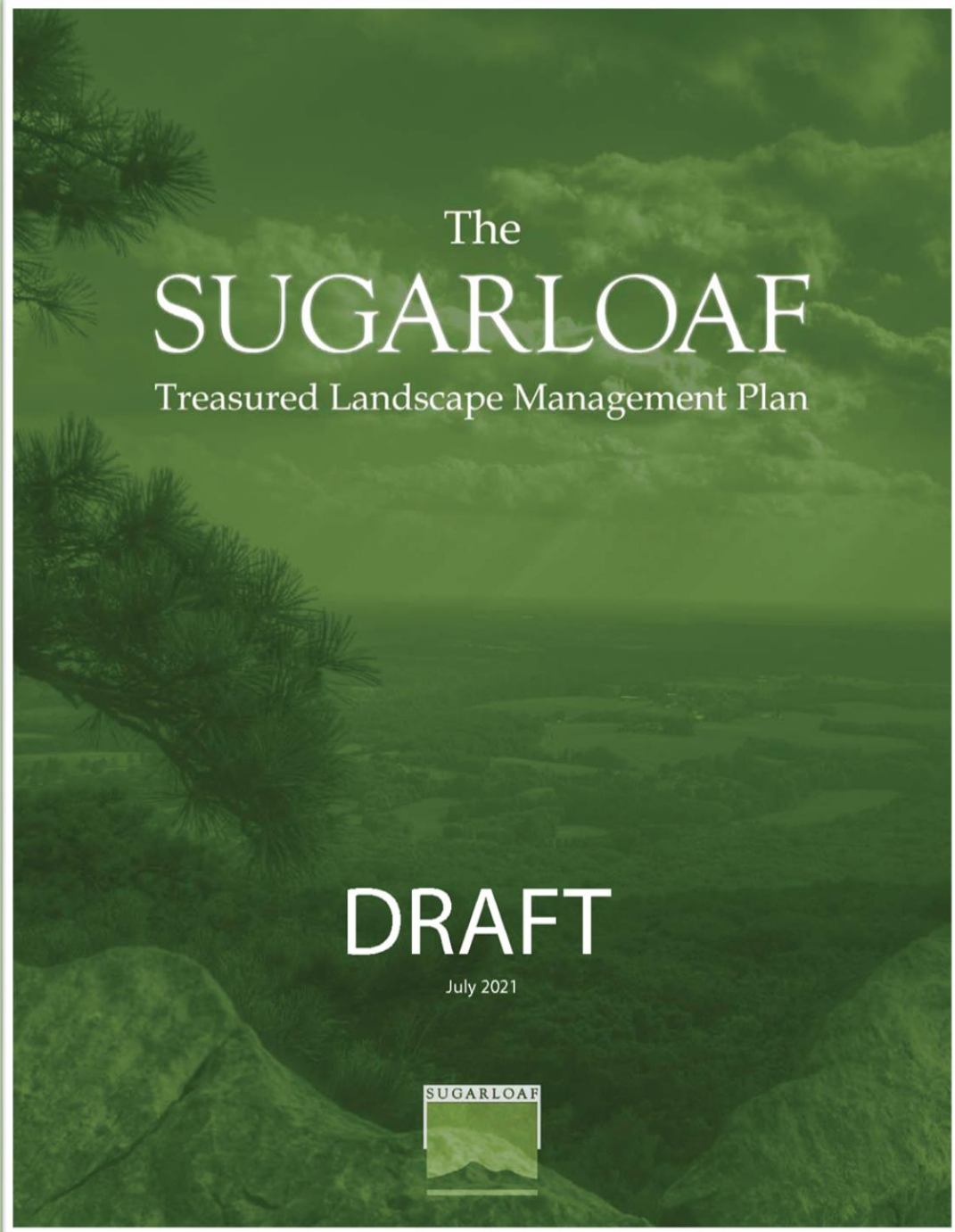
-Applied to discrete, geographic areas regardless
of underlying zoning classification



Proposed Sugarloaf Rural Heritage Overlay Zoning District

Purpose and Intent

The Sugarloaf Planning Area has high quality natural resources and unique features that support a vast, diverse, and healthy environment. Special protection measures are needed where land use changes could threaten those resources, environments, and features. It is the intent of the County, in creating this District, to ensure the long-term sustainability, health, and integrity of natural environmental systems, and maintain and protect the ecological function and rural qualities of the landscapes that comprise the Sugarloaf Planning Area. The District establishes criteria, standards, and review procedures for land development activities to minimize or eliminate adverse impacts to water quality, forest resources, wildlife habitats, and scenic and rural landscape elements.



Proposed Sugarloaf Rural Heritage Overlay Zoning District

Goals

- To address the scale and visual impact of land uses and development that can degrade rural qualities, excessively burden the transportation network, and overwhelm the scenic and rural nature of the Sugarloaf Planning Area
- To minimize adverse impacts of land development activities on forestlands and natural habitats
- To regulate the amount of impervious surfaces to control the volume of stormwater runoff and stream bank erosion, maintain levels of groundwater infiltration, and retain as many of the functions provided by natural land as possible

Regulatory Components for Overlay Zone

Non-residential buildings, with the *Exception noted below, constructed on a lot or parcel (after effective date) shall not exceed a gross building area of 15,000 square feet. An expansion or enlargement of an existing non-residential building shall not increase the non-residential building beyond 15,000 square feet. A request to exceed the maximum gross building area of 15,000 square feet for new non-residential buildings or expansions/enlargements may be granted by the body or entity with specific approval authority upon review of a justification statement from the applicant/owner that addresses and describes, in detail, the following:

- The unique needs of the proposed activity or use that warrant a non-residential building larger than 15,000 square feet; and
- The site design elements and building design features, such as enhanced energy efficiency, water conservation (e.g., re-use, consumption reductions), and stormwater runoff controls, or other measures that will be utilized to minimize negative impacts to natural resources and surrounding properties that may result from the overall development proposal and increased building square footage.

For permitted uses (marked P in the Use Table), the approval authority will be County staff. For uses that require Board of Appeals approval (marked E in the Use Table), the approval authority will be the Board of Appeals. For uses that require site plan approval (marked PS in the Use Table), the approval authority will be the Planning Commission or their authorized representatives.

*Exception: The 15,000 square foot gross building area limit does not apply to new or expanded non-residential structures used only for agricultural activities, as defined in 1-19-11.100, and the following uses.

Natural Resource Uses (listed in Section 1-19-5.310)

- Apiary
- Agricultural value added processing
- Agritourism enterprises
- Nursery, retail
- Nursery, wholesale
- Farm distillery
- Farm distillery tasting room
- Farm winery
- Farm winery tasting room
- Limited farm alcoholic beverages tasting room
- Farm brewery
- Farm brewery tasting room
- Limited roadside stand
- Commercial roadside stand

Commercial Use – Retail (listed in Section 1-19-5.310)

- Feed and grain mill

Wholesaling and Processing Use (listed in Section 1-19-5.310)

- Agricultural products processing

Design Standards

All new non-residential development within the Sugarloaf Rural Heritage Overlay Zoning District shall incorporate the following design standards in addition to all other applicable requirements of the Zoning Ordinance:

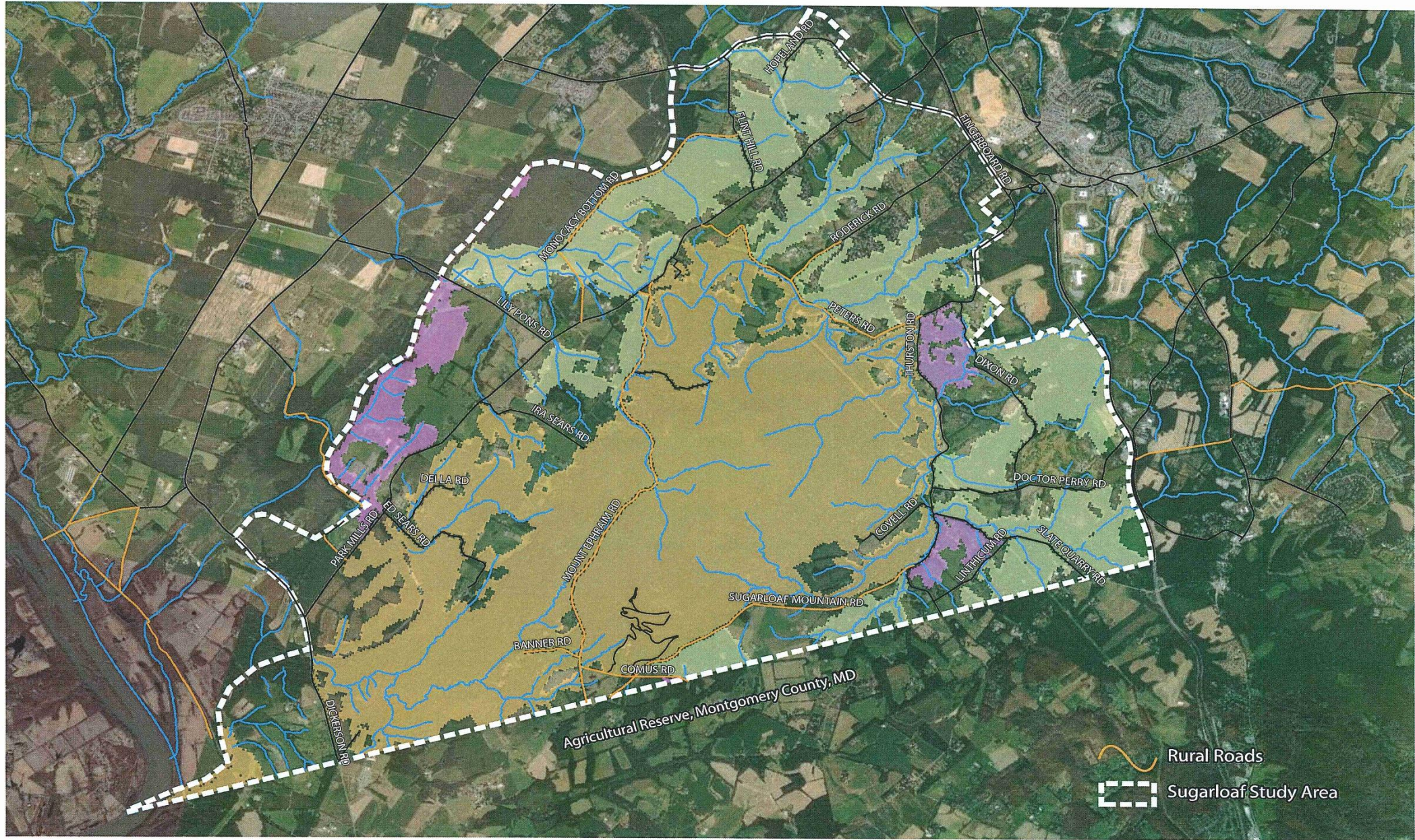
Non-residential building design shall include architectural elements at entrances and where visible from a road or public right-of-way including, but not limited to: changes in building plane, windows, doorways, overhanging eaves, and shutters. Non-residential buildings shall not include large expanses of undifferentiated facades or long plain wall sections. Mechanical equipment, utilities, and non-public facilities (i.e., refuse containers or outside storage) shall be designed away from primary public access areas to the greatest extent practicable.

For all non-residential buildings and associated development proposals, only ground level (<4 ft.) and non-residential building-mounted lighting not exceeding 14 feet in height is permitted, in addition to all other applicable requirements in 1-19-6.500 of the Zoning Ordinance. Lighting for all new non-residential buildings and associated development shall include elements that reduce negative impacts to wildlife migration, nocturnal habits, and circadian rhythms, such as the utilization of lights with amber or yellow tints instead of blue or white light and the use of timers, motion detectors, and light-sensitive switches to actively regulate the emission of light from light fixtures.

If any of the following elements are proposed in association with non-residential site improvements, they shall be uniquely designed and styled with treatments and materials compatible with the rural and natural setting: site entrance walls, bridges, guardrails (provided ASHTO standards are met), fencing, signage, and lighting.

All applications for subdivision, site development plan, individual zoning map amendments, or floating zones shall include correspondence from the Maryland Department of Natural Resources' Wildlife and Heritage Service (DNR) that documents the presence/absence of any rare, threatened, or endangered species and/or habitats on site. On sites where a rare, threatened, or endangered species or habitat is identified by DNR and if DNR requires measures to minimize adverse impacts on these species or habitats, a mitigation plan is required to minimize the identified adverse impacts, to the greatest extent practicable, on such species or habitats. If forest interior dwelling bird species (FIDS) are present, forest removal and habitat disturbance may be prohibited during the April to August breeding season, and possibly between February and August if certain early nest FIDS (e.g., barred owl) are present.

Recommended for removal



Forest Interior Dwelling Species (FIDS) Habitat Areas as Modeled by MD-DNR



Class I - Core Area

Class II - High Quality Habitat



Class III - Potential Habitat



Map 7-3

Applications submitted for site development plan, special exception, individual zoning map amendments, or floating zone approval shall include an environmental and natural features map at a minimum scale of 1 inch = 100 feet that reflects the existing conditions (e.g., pre-development) and features of the site proposed for development, including the following:

- A. Intermittent and perennial streams, drainage courses, and flow paths, including stream setbacks as required in 1-19-9.400 of this chapter
- B. Areas of 100-year floodplain as depicted by the Federal Emergency Management Agency (FEMA) flood insurance rate maps or amendments thereto, including floodplain as required in 1-19-9.110 of this chapter
- C. Topography at a minimum of 5 foot contours unless otherwise required by the Division
- D. Moderate Slopes (15% to <25%) and Steep Slopes (25% and greater)
- E. Wet soils and flooding soils, including buffers
- F. Tree lines, forested areas, and rock formations and outcroppings
- G. Wetlands and their buffers, including total acreage
- H. Any other relevant information as required by the Division

To ensure safe and efficient development that carefully considers the impacts on site design, the transportation network, natural resources, and the rural character of the area, site development plan approval from the Planning Commission is required prior to establishment or development of a Wholesale Nursery that proposes any structure or greenhouse or other such indoor growing facility.

The following uses are prohibited in the Sugarloaf Rural Heritage Overlay Zoning District:

Sawmill; springwater harvesting and storage; recreational vehicle storage facility; carnival/circus; rodeo; shooting range/club-trap, skeet, rifle, archery; aircraft landing and storage areas private-commercial use; outdoor sports recreation facility; borrow pit operations; industrial waste landfill; rubble landfill; resource recovery facility-separated recyclables; limited food waste composting-commercial activity; unlimited wood waste recycling facility; sludge amended yard waste; solid waste composting; sludge pit.

Tree cutting and forestry activities

- (1) Forest cutting or clearing activities in connection with land development shall be minimized. All activities to which the forest resource regulations in Chapter 1-21 of this Code apply shall be subject to the regulations and requirements set forth in that Chapter. In addition to the requirements in Chapter 1-21, no more than 40,000 square feet shall be cleared for each home site. For all permitted nonresidential uses, site development plan approval shall require that site clearing is minimized.

- (2) The following shall be included with the application for a grading permit for commercial logging or timber harvest operations in which 5,000 or more square feet of earth will be disturbed:

Tree cutting and forestry activities

A. A timber harvest plan that includes the following materials:

1. A forest harvest map that graphically depicts the following:

Steep slopes and moderate slopes

Intermittent and perennial streams and associated

Drainage networks/flow paths

Locations of all crossings of perennial and intermittent streams

Wetlands, springs, seeps

Property boundaries

Locations of plots for harvest

Location of all forested areas on the parcel/lot

Streamside management zone/riparian area

No-cut areas

Planned skid trails – numbers and locations

Planned haul roads – numbers and locations

Planned landing area(s)- location(s) and approximate size(s)

Site entrance/access location(s)

Map title, scale, north arrow

2. A written narrative that addresses the following:

- Landowner objectives
- Size of parcel(s)
- Total acreage in planned harvest
- Location of forest
- Type of cutting (e.g., intermediate thinning, clearcut, shelterwood, seed tree, uneven-aged selection, etc.)
- Description of forest stand characteristics (pre- and post-harvest), including species composition, age class diversity, tree species diversity, presence of non-native, invasive species and measures to manage non-native invasive species post-harvest
- Flagging and tree marking guide details for log landing areas, streamside management zones, and contemplated skids trails and haul roads
- Techniques, methods, and devices proposed to minimize runoff and erosion, and to reduce sedimentation in perennial and intermittent streams, river, lakes, and ponds from harvest areas, haul roads, skid trails, log landings, and site entrances
- Name, address, phone number, email address of property owner and report preparer

Tree cutting and forestry activities

B. Review and approval of a timber harvest plan and a forest harvest map by the Frederick County Forest Conservancy Board, following a site inspection of the property by the Forestry Board.

C. Approval of an erosion and sediment control plan by the Frederick Soil Conservation District.

D. Approval of a stream crossing permit by the Maryland Department of the Environment for perennial and intermittent stream crossings or wetland impacts.

E. A review by the Maryland Department of Natural Resources' Wildlife and Heritage Service (DNR) that documents the presence/absence of any rare, threatened, or endangered species and/or habitats on site. On sites where a rare, threatened, or endangered species or habitat is identified by DNR and if DNR requires measures to minimize adverse impacts on these species or habitats, a mitigation plan is required to minimize the identified adverse impacts, to the greatest extent practicable, on such species or habitats. If forest interior dwelling bird species (FIDS) are present, forest removal and habitat disturbance may be prohibited during the April to August breeding season, and possibly between February and August if certain early nest FIDS (e.g., barred owl) are present.

Tree cutting and forestry activities

Article XI: Definitions

1-19-11.100 Definitions

Timber Harvest Streamside Management Zone

A minimally-disturbed area at least 50 feet in width on all sides of a perennial or intermittent stream, river, lake, or pond.

Within a Timber Harvest Streamside Management Zone, the following requirements apply,

- 60 square feet of basal area per acre with evenly distributed trees, which are six (6) inches or greater in diameter, must be maintained post-harvest
- No tree harvest or removal shall occur within 50 feet of the banks of a perennial or intermittent stream, or a river, lake, or pond
- No refueling or cleaning of equipment shall occur
- No log landing areas are permitted
- Skid trails and haul roads shall be minimized

1-19-10.700 – Solar Facility – Commercial Floating Zone District

(B)(5) Within the Sugarloaf Rural Heritage Overlay Zoning District, the following standards apply: Solar facilities or panels may not be constructed or installed on gradients of 15% or greater; solar facilities or panels must maintain a 100 foot setback from all perennial and intermittent streams. In areas not required to be used for forest mitigation as specified in Chapter 1-21 of this Code, native grasses and wildflowers shall be planted; No more than 12% of the existing forest cover on a lot, parcel, or tract may be removed or cleared for the construction or installation of solar facilities or panels.

1-19-8.332 Communication Towers in RC and A Districts

(I) Within the Sugarloaf Rural Heritage Overlay District, all special exception approvals must also comply with the following:

Communication towers shall be camouflaged, disguised, or concealed to provide an appearance, texture, and color that matches the native vegetation of the area and maintains a physical and locational contextual scale. If a communication tower or antenna is incorporated into, on, or directly adjacent to an existing building or other infrastructure, the communication tower or antenna shall be designed to be compatible with the scale, size, and architectural style of the building, surrounding buildings, and surrounding infrastructure.